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MICHAEL A. O'NEIL, P.C.  
5949 SHERRY LANE, SUITE 820  
DALLAS TX 75225

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**FEB 28 2006**

**OFFICE OF PETITIONS**

In re Application of	:	
Bradley F. Chmelka et al.	:	
Application No. 10/736,462	:	DECISION ON RENEWED
Filed: December 15, 2003	:	PETITION
Attorney Docket No.:	:	
600950-1010	:	
Title: BLOCK POLYMER PROCESSING	:	
FOR MESOSTRUCTURED INORGANIC	:	
OXIDE MATERIALS	:	

This is a decision on the renewed petition filed January 17, 2006, requesting that the above-identified application be accorded a filing date of December 15, 2003, without Figures 2a and 2b included as part of the original disclosure.

The application was deposited on December 15, 2003. However, on March 24, 2004, the Office of Initial Patent Examination (OIPE) mailed a "Notice to File Missing Parts of Nonprovisional Application" (notice), stating that the application had been accorded a filing date of December 15, 2003, and advising applicants that the application appeared to have been deposited without Figure 2 and an oath or declaration. The notice set a two-month period for response.

In response, on April 5, 2004, applicants filed a declaration, the surcharge associated with the late submission of the same, Figures 2a and 2b, and a change of address. OIPE accepted the drawings, and assigned the application a filing date of April 5, 2004.

It is noted that the notice set forth two options for the applicant. The first set forth that if the applicant wished to

contend that the missing figure was present at the time of filing, a petition would need to be filed. The second indicated that a petition would be required should the applicant decide to supply the omitted item at a later date and accept this later date as his filing date.

On October 25, 2005, Petitioner filed a petition, requesting that the two figures (which were not present on filing) be entered, and have the application accorded the original filing date of December 15, 2003. This request was dismissed via the mailing of a decision on November 18, 2005.

With this renewed petition, Petitioner has requested that the Office accord the original filing date to this application, without the entry of Figures 2a and 2b.

The renewed petition is **GRANTED**.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 15, 2003, using the original application papers filed on that date. Figures 2a and 2b will not be entered. OIPE will then mail a corrected filing receipt.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



**Paul Shanowski**  
Senior Attorney  
Office of Petitions  
United States Patent and Trademark Office